



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor

Kathleen Clarke
Executive Director

Lowell P. Braxton
Division Director

1594 West North Temple, Suite 1210

PO Box 145801

Salt Lake City, Utah 84114-5801

801-538-5340

801-359-3940 (Fax)

801-538-7223 (TDD)

January 23, 2001

CERTIFIED RETURN RECEIPT

7000 0520 0021 7582 8395

Dan L. Powell
Emery Industrial Resources
P.O. Box 253
Castledale, Utah 84513

Re: Permit Status, Emery Industrial Resources, Inc., Cherry Hill Park Mine, M/049/021, Utah County, Utah

Dear Mr. Powell:

On September 30, 1999, the Division sent you a review of your draft Notice of Intention to Commence Large Mining Operations for the Cherry Hill Park Mine, located in Utah County, Utah. To date, the Division has not received a response to this review. We request that you submit your response to this review within 30 days of your receipt of this letter. We have attached another copy of our previous review document in case you have misplaced the original.

Before we can grant tentative approval of your application, the attached review comments will need to be addressed. The comments are listed under the applicable Minerals Rule heading. Please format your response in a similar fashion.

If you have any questions in this regard, please contact me, Lynn Kunzler or Doug Jensen of the Minerals Staff. If you wish to arrange a meeting to sit down and discuss this review, please contact us at your earliest convenience. Thank you for your cooperation in completing this permitting action.

Sincerely,

D. Wayne Hedberg
Permit Supervisor
Minerals Regulatory Program

jb
Attachment: Review
M49-21-ltr

REVIEW OF NOTICE OF INTENTION TO COMMENCE LARGE MINING OPERATIONS
(Second Review)
Emery Industrial Resources, Inc.
Cherry Hill Park Mine

M/049/021

R647-4-105 - Maps, Drawings & Photographs

105.2 Surface facilities map

The map provided does not include the access road and pre-existing structures as part of the affected area. Even though a variance to leave these facilities for post-mining land use was requested by the surface owner, they need to be included in the affected area. (LK)

The proposed truck scale indicated on the site map falls within an area outside the affected area boundary. If the scale is constructed in this area, the impacted area will become a part of the mine site disturbance. (DJ)

105.3 Drawings or Cross Sections (slopes, roads, pads, etc.)

3.16 The response still does not include a readable topographical map that indicates the final reclamation contours. (DJ)

R647-4-106 - Operation Plan

106.6 Plan for protecting & redepositing soils

The plan states that topsoil is usually respread within a two-year period, which is not a sufficient period of time for any substantial erosion to occur. The Division disagrees with this statement. Any topsoil that is not respread during the same season that it is salvaged needs to be seeded with a cover crop (i.e. thickspike wheatgrass and yellow sweetclover). All topsoil stockpiles should also be identified with signs so that workers do not inadvertently cause further impact to the topsoil during operations. (LK)

106.7 Existing vegetation - species and amount

A site inspection of the area on September 21, 1999 confirmed the vegetation ground cover of the surrounding areas to be 50%. This figure will be used for establishing the reclamation standard of 35% ground cover (70% of the pre-existing ground cover). (LK)

R647-4-107 - Operation Practices

107.4 Deleterious material safely stored or removed

Fuel storage and spill mitigation is not addressed. (DJ)

R647-4-109 - Impact Assessment

109.4 Slope stability, erosion control, air quality, safety

Please describe dust control plans (i.e. water sprays on crushers, stockpiles, roads, etc. Also, provide copies of the appropriate air quality permit(s) regarding the generation and control of dust at your operations. (DJ)

R647-4-110 - Reclamation Plan

110.2 Roads, highwalls, slopes, drainages, pits, etc., reclaimed

Please describe how pads will be reclaimed (i.e. regrading, ripping with a dozer to a depth of 2 feet, etc.). Will any of the waste materials be used as a substitute soil material? If so, please describe how it will be augmented with soil amendments (fertilizer, compost, etc.) to make it a suitable soil substitute. (DJ)

110.3 Description of facilities to be left (post mining use)

As stated in previous reviews, the Division cannot allow any structures or facilities to be left at the time of reclamation without a letter from the current landowner requesting that specific structures be left for the intended post mine use. Please provide a copy of this letter which outlines the proposed post mining plans for the facilities. Indicate who will be responsible for continued maintenance and ultimate reclamation of the structures. Without this documentation, detailed reclamation plans and bonding for all structures and facilities will be required. (LK)

R647-4-111 - Reclamation Practices

111.8 All roads & pads reclaimed

See comments under R647-4-110.3

111.11 Structures & equipment buried or removed

The response indicates trash and debris will be hauled off and/or buried on site. Please provide evidence from Utah County that burying trash on your site is permitted. Otherwise, plan to haul all trash off site to an approved landfill. (DJ)

111.12 Topsoil redistribution

The operator's response alludes to their comments under 107.5. However, it does not address the redistribution of the soil. Please provide the information to address this deficiency. (DJ)

R647-4-112 - Variance

A variance to Rule R647-4-111.8 was requested to leave the access road as per the request of the surface land owner. *Before this variance can be approved, the Division must receive*

written documentation from the land owner stating he needs the access road for his continued (post-mining) use of his property (see comments under R647-4-110.3). (LK)

A variance to Rule R647-4-111.9 was requested to allow water to impound along the northern edge of the quarry. As discussed in the response, these areas would only accumulate water during snow melt and summer thunder storms. Water thus accumulated would infiltrate into the ground or evaporate within a short period of time. This would control any sediment from leaving the site. *The Division concurs with this assessment and hereby approves this variance. (LK)*

A variance to Rule R647-4-111.11 was requested to leave the metal building to the north of the access road and the loading ramp and chute facilities along the south side of the access road as per the request of the surface land owner. *Before this variance can be approved, the Division must receive written documentation from the land owner stating he needs these facilities for his continued (post-mining) use of his property (see comments under R647-4-110.3). (LK)*

A variance to Rule R647-4-111.12 was requested to not respread topsoil on approximately 1.5 acres of pre-law disturbance. These two areas are shown on the map. No soils were salvaged from these areas when initially disturbed. Topsoil is sparse in the area (1-3 inch depth) and would require a large borrow area to obtain topsoil to cover the area. The subsoils in the area are not considered to be detrimental to plant growth. These areas will receive all other reclamation treatments (ripping, fertilizer and seeding) that the rest of the site will receive. For these reasons, *the Division concurs with the need for, and hereby approves this requested variance. (LK)*

A variance to Rule R647-4-111.13.11 was requested to not meet the reclamation standard for the pre-law disturbed areas (1.5 acres) that will not receive topsoil (see previous variance). These areas will receive all other reclamation treatments and it is anticipated that a fair vegetation cover will be established. Although it will be less than the 35% reclamation success standard, these areas are not expected to show signs of accelerated erosion and any sediment that is developed will be contained on site. *The Division hereby approves this requested variance. (LK)*

R647-4-113 - Surety

Attached is a preliminary cost estimate for the reclamation surety. In developing the cost estimate, the Division considered the reclamation plan as presented (with the assumption that the necessary documentation will be provided to approve the requested variances to leave the access road, building and loading ramp and facilities). The Division also added contingency costs, mobilization and inflation factors. Where costs were not provided for various line items, the Division used standard third party costs. Acreage for the estimate is based on the Division's September 22, 1999 inspection that included a GPS survey of the disturbed areas. Your preliminary estimate indicates a five acre area was reclaimed in 1998 at a cost of \$1000/acre. The area shown on the map measures approx. 4.3 acres, this would equate to a

Page 4
Second Review
M/049/021
September 30, 1999

reclamation cost of \$1190/acre. A site visit on 9/21/99 indicates that only recontouring has been done in this area, final costs for resspreading soils and seeding needs to be included in this estimate. (DJ)

R647-4-115 - Confidential Information

The only information the Division can hold as confidential is information relating to the location, size and nature of the mineral deposit.

Attachment: Preliminary Surety Estimate

1	RECLAMATION SURETY ESTIMATE	last revision	09/29/99
2	<i>Emery Industrial Resources, Inc.</i>	filename M49-21-bnd.WB2	
3	<i>Cherry Hill Park Mine</i>		
4	<i>M/049/021</i>	<i>Utah County</i>	
5			
6	Prepared by Utah State Division of Oil, Gas & Mining		
7	-This estimate uses a D8 size dozer for most earthwork -access road, building, loading ramp and facilities not included in this estimate (0.85 acres) -1.5 acres not to receive topsoil (variance) -4.2 acres has been regraded (inspected 9/22/99)		
8			
9			
10			
11			
12			
13			
14	Note: actual unit costs may vary according to site conditions	last unit cost update	08/25/99
15	-Amount of disturbed area which will receive reclamation treatments =	19.75 acres	
16	-Estimated total disturbed area for this mine =	20.6 acres	
17			
18	<u>Activity</u>	<u>Quantity</u>	<u>Units</u>
19	Regrading facilities areas	15.55 acre	\$/unit
20	Ripping pit floors, stockpile & compacted areas	19.75 acre	\$
21	Topsoil replacement - dozer (18.25 acres)	4900 CY	
22	Broadcast seeding	19.75 acre	
23	General site cleanup & trash removal	5 acre	
24	Equipment mobilization	1 equip	
25	Reclamation Supervision	5 days	
26		Subtotal	\$31,620
27			
28	10% Contingency		3162
29		Subtotal	\$34,782
30			
31	Escalate for 5 years at 3.27% per yr		6071
32		Total	\$40,853
33	Rounded surety amount in yr 2004-\$		\$40,900
34	Average cost per disturbed acre =	\$1,985.44	

Note			
(1)	Estimate provided by operator (4.2 acres regraded @ \$5,000)		
(2)	Means 1998 & Rental Rate Blue Book 4/98: Cat D8N, U, multi shank rippers, speed 1.0 mph		
(3)	Means 1998 & Rental Rate Blue Book 4/98: Cat D8N, U, mtl 2550 lb/CY, 100 ft push		
(4)	DOGM general estimate - broadcast seeding		
(5)	DOGM general estimate - site cleanup & trash removal		
(6)	DOGM general estimate - equipment mobilization		
(7)	Means 1998, 010-036-0180, project manager, minimum \$1,815/wk		
	Last unit cost update	08/25/99	